

EXHIBIT "A"

INFORMATION PURSUANT TO LOCAL RULE CV-81(C)

- (1) A list of all parties in the case, their party type (e.g., plaintiff, defendant, intervenor, receiver, etc.) and current status of the removed case (pending, dismissed);

Dario Ruiz
Plaintiff

USA Truck, Inc.
Defendant

Ronald Samaro
Defendant

The removed case is currently pending.

- (2) A civil cover sheet and a certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action (e.g. complaints, amended complaints, supplemental complaints, counterclaims, cross-actions, third party actions, interventions, etc.); all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court, as required by 28 U.S.C. § 1446(a).

See attached civil cover sheet and documents attached to Defendant USA Truck, Inc.'s Notice of Removal as ***Exhibit A***.

- (3) A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number and party or parties represented by him/her; and

James B. Manley
James B. Manley, P.C.
State Bar No. 12915000
200 William Barnett
Cleveland, Texas 77327
T: (281) 593-1100
F: (281) 593-1700
jamesbmanleyattorney@gmail.com
Counsel for Plaintiff

Zach T. Mayer
Texas State Bar No. 24013118
Brian J. Fisher
Texas State Bar No. 24032178
J. Kendall Ray
Texas State Bar No. 24076637
KANE RUSSELL COLEMAN & LOGAN PC
1601 Elm Street, Suite 3700
Dallas, Texas 75201
(214) 777-4200
(214) 777-4299 (Fax)
Counsel for Defendant USA Truck, Inc.

- (4) A record of which parties have requested a trial by jury (this information is in addition to placing the word "jury" at the top of the Notice of Removal immediately below the case number);

Plaintiff, Dario Ruiz.

- (5) The name and address of the court from which the case is being removed.

The 75th Judicial District Court of Liberty County
1923 Sam Houston - Rm. 304
Liberty, Texas 77575
Phone: 936-336-4678
Fax: 936-336-4640

FILED
7/16/2015 11:53:08 AM
Donna G. Brown
District Clerk
Liberty County, TX
KARLA GALVAN

NO. CV1509664

DARIO RUIZ	§	IN THE DISTRICT COURT OF
	§	
VS.	§	LIBERTY COUNTY, TEXAS
	§	
USA TRUCK, INC., ET AL.	§	<u>75TH</u> JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

DARIO RUIZ, hereinafter called Plaintiff, complains of USA TRUCK, INC., d/b/a "USA TRUCK", and RONALD SAMARO, hereinafter called Defendants, and for cause of action would respectfully show the Court the following:

1.

DISCOVERY LEVEL

Discovery is intended to be conducted under Discovery Control Plan - Level 2, Rule 190.3 *Texas Rules of Civil Procedure*. Plaintiff affirmatively pleads that this lawsuit is not governed by the expedited-actions process in *Texas Rule Of Civil Procedure 169*. Plaintiff seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00.

2.

PARTIES

Plaintiff resides in Polk County, Texas. The last four numbers of his driver's license number are 7691. The last four numbers of his social security number are 2160.

Defendant USA TRUCK, INC. is a foreign for profit corporation, doing business as USA TRUCK in the State of Texas, and may be served with citation by serving its registered agent for service, The Corporation Company, 124 West Capitol Avenue, Suite 1400, Little Rock, Arkansas 72201.

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COPY

Defendant RONALD SAMARO is an individual who may be served with citation at 2225 Pumalo Street, Apartment 285, San Bernardino, California 92404.

3.

CAUSE OF ACTION

This is a negligence action arising out of a motor vehicle accident that occurred on October 26, 2014 in Cleveland, Texas.

4.

VENUE

Venue is proper in Liberty County, Texas under *Civil Practice & Remedies Code* § 15.002. All or a substantial part of the *events* or *omissions* giving rise to the claims occurred in Liberty County, Texas.

5.

VIOLATION OF DUTY AND STANDARD OF CARE

Defendant Ronald Samaro owed a duty to exercise ordinary care in the operation of the vehicle he was driving; however, he breached his duty, and his negligence *proximately* caused the occurrence made the basis of this action and the Plaintiff's injuries and damages in one or more of the following respects:

1. failing to keep a proper lookout;
2. failing to turn to the left or right to avoid the collision
3. failing to honk the horn or otherwise warn the Plaintiff of the impending collision;
4. failing to make timely application of his brakes;
5. failing to turn to the left or right to avoid the collision;
6. failing to yield the right of way to Plaintiff in violation of the Texas Transportation Code, and
8. driver inattention.

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6.

VICARIOUS LIABILITY

Defendant Ronald Samaro was an employee of USA Truck, Inc. He was operating a USA Truck, Inc. commercial vehicle in the course and scope of his duties for USA Truck, Inc.

Pleading in the alternative, Defendant Ronald Samaro was an agent of USA Truck, Inc. and he was in the furtherance of a mission for the benefit of USA Truck, Inc.

Pleading in the alternative, Defendant Ronald Samaro and USA Truck, Inc. were engaged in a joint enterprise or venture and are jointly and severally liable for Plaintiff's injuries and damages. The commercial vehicle that Defendant Ronald Samaro operated on the occasion in question displayed a placard or identifying sign of USA Truck and USA Truck, Inc. dispatched Defendant Ronald Samaro to his job locations. Therefore, Defendant USA Truck, Inc. is the employer of Defendant Ronald Samaro as a matter of law and Defendants should be estopped from denying an employer-employee relationship. Defendant USA Truck, Inc. is vicariously liable for the negligence of Defendant Ronald Samaro.

7.

ALLEGATION OF INJURY

Plaintiff was injured in the vehicular mishap made the basis of this suit.

8.

DAMAGES

As a result of the occurrence in question, Plaintiff sustained the following damages:

- a. physical pain;
- b. physical impairment;
- c. medical care expenses, and
- d. loss of earning capacity.

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9.

JURISDICTION OF COURT

The damages sought by the Plaintiff are within the jurisdictional limits of the court.

10.

RULE 193.7 INVOKED

Pursuant to *Rule 193.7 of the Texas Rules of Civil Procedure*, Plaintiff gives notice that all documents produced by Defendants will be used in pretrial proceedings or at the trial of this action.

11.

JURY DEMAND

Plaintiff respectfully demands a trial by jury.

12.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer, and that on final trial Plaintiff receives:

1. Judgment against Defendants in a sum as alleged above, with prejudgment interest according to the law.
2. Interest after judgment until paid.
3. Costs of court.
4. Exemplary damages.
4. Such other and further relief to which the Plaintiff may be justly entitled.

CERTIFIED

COPY

Respectfully Submitted,

JAMES B. MANLEY, P.C.

By: 

James B. Manley
State Bar No.: 12915000
200 William Barnett
Cleveland, Texas 77327
(281) 593-1100
(FAX) 281-593-1700

ATTORNEY FOR PLAINTIFF

CERTIFIED

copy

JAMES B. MANLEY

BOARD CERTIFIED IN PERSONAL
INJURY TRIAL LAW BY THE TEXAS
BOARD OF LEGAL SPECIALIZATION

JAMES B. MANLEY, P.C.

jamesbmanleyattorney@gmail.com

ATTORNEYS AT LAW

200 William Barnett
Cleveland, Texas 77327
(281) 593-1100
(281) 593-1700 - Fax

July 16, 2015

Donna G. Brown
Liberty County District Clerk
1923 Sam Houston, Rm. 115
Liberty, Texas 77575

RE: No. CV1509664; *Dario Ruiz vs. USA Truck, Inc., et al.*; In the 75TH Judicial
District Court of Liberty County, Texas

Dear Ms. Brown:

I am enclosing the following for filing with the Court:

PLAINTIFF'S ORIGINAL PETITION


Please issue citation for service on Defendants.

A jury fee is not being paid at this time.

Thank you for your assistance.

Cordially,

JAMES B. MANLEY, P.C.


James B. Manley

JBM/lgl

Enclosures

CERTIFIED
COPY

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): CV1509664

COURT (FOR CLERK USE ONLY): 75TH

STYLED Dario Ruiz vs. USA Truck, Inc., et al.
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:																					
Name: <u>James B. Manley</u> Email: <u>jamesbmanley</u>		Plaintiff(s)/Petitioner(s): <u>Dario Ruiz</u>		<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:																					
Address: <u>200 S. William Barnett</u> <u>281/593-1100</u>		Defendant(s)/Respondent(s): <u>USA Truck, Inc. d/b/a</u>		Additional Parties in Child Support Case:																					
City/State/Zip: <u>Cleveland, TX 77328</u> Fax: <u>281/593-1700</u>		Custodial Parent: <u>USA Truck</u>		Non-Custodial Parent:																					
Signature: <u>[Signature]</u> State Bar No: <u>12915000</u>		Presumed Father: <u>Ronald Samaro</u>																							
[Attach additional page as necessary to list all parties]																									
2. Indicate case type, or identify the most important issue in the case (select only 1):																									
<table border="1"> <thead> <tr> <th colspan="2">Civil</th> <th colspan="2">Family Law</th> </tr> </thead> <tbody> <tr> <td> Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: </td> <td> Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input 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4. Indicate damages sought (do not select if it is a family law case):																									
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000																									

Donna G. Brown, District Clerk of Liberty County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, filed on 09/15/15 as appears of record in my office.

Witness my official hand and seal of office, this

Donna G. Brown, District Clerk
Liberty County, Texas
Deputy

Rev 2/13

CERTIFIED
COPY

CLERK OF THE COURT

Donna G. Brown, District Clerk
1923 Sam Houston, Room 115
Liberty, Texas 77575

ATTORNEY FOR PLAINTIFF OR PLAINTIFF'(S)

JAMES B. MANLEY
200 WILLIAM BARNETT
CLEVELAND, TEXAS 77327

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

THE STATE OF TEXAS

TO: RONALD SAMARO, Respondent, Greetings;

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **75TH JUDICIAL DISTRICT COURT** of Liberty County, Texas at the Court House of said County in Liberty, Texas.

Said Petitioner's Petition was filed in said court on the 16th day of July, 2015, in this cause, Numbered **CV1509664** on the docket of said court, and styled, **DARIO RUIZ, Plaintiff vs. USA TRUCK INC, ET AL., Defendant.**

The nature of Petitioner's demand is fully shown by a true and correct copy of Plaintiff's Original Petition, accompanying this citation and made a part hereof.

The Officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Liberty, Texas, this the 21st day of July, 2015.

(SEAL)

Attest Donna G. Brown, Clerk, District Court
Donna G. Brown, District Clerk
Liberty County, Texas

TO ATTY

By Karla Galvan, Deputy
Karla Galvan

Rule 106 "the citation shall be served by the officer delivering to each defendant, in person, a true copy of this citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto.

COPIED

SHERIFF'S RETURN

Came to hand on _____ day of _____, 201____, at _____ o'clock _____ M., and executed in _____ County, Texas by delivering to each of the within-named _____, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Petition, at the following times and places, to wit:

Name	Date			Time			Place, and Course and Distance From Court House
	Month	Day	Year	Hour	Min.M.	

And not executed as to the Respondent, _____ the diligence used in finding _____ said Respondent, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of the said Respondent, being: _____

FEES — Serving _____ Copy _____ \$ _____
Total \$ _____

_____ Sheriff/Constable, Precinct

County, Texas
By _____
Deputy

CERTIFICATE OF DELIVERY

I, do hereby certify that I delivered to _____, Defendant on the _____ day _____, 201____, at _____ o'clock _____ M. a copy of this instrument.

Precinct # _____ Sheriff/Constable,
By _____, Deputy

STATE OF TEXAS
COUNTY OF LIBERTY
I, Donna G. Brown, District Clerk of Liberty County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, filed on 09/18/15 as appears of record in my office.
Witness my official hand and seal of office, this _____

DONNA G. BROWN DISTRICT CLERK
Liberty County, Texas
By *Paula L. Linares* Deputy

CERTIFIED
COPY

CLERK OF THE COURT
Donna G. Brown, District Clerk
1923 Sam Houston, Room 115
Liberty, Texas 77575

ATTORNEY FOR PLAINTIFF OR PLAINTIFF(S)
JAMES B. MANLEY
200 WILLIAM BARNETT
CLEVELAND, TEXAS 77327

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THE STATE OF TEXAS

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(SEAL)

Attest Donna G. Brown, Clerk, District Court
Donna G. Brown, District Clerk
Liberty County, Texas

TO ATTY

By Karla Galvan, Deputy
Karla Galvan

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CERTIFIED
COPY

SHERIFF'S RETURN

Came to hand on _____ day of _____, 201____, at _____ o'clock _____ M., and executed in _____ County, Texas by delivering to each of the within-named _____, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Petition, at the following times and places, to wit:

Name	Date			Time			Place, and Course and Distance From Court House
	Month	Day	Year	Hour	Min.	...M.	

And not executed as to the Respondent, _____ the diligence used in finding _____ said _____ Respondent, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of the said Respondent, being: _____

FEES — Serving _____ Copy _____ \$ _____
Total \$ _____

_____, Sheriff/Constable, Precinct

_____, County, Texas
By _____,
Deputy

CERTIFICATE OF DELIVERY

I, do hereby certify that I delivered to _____, Defendant on the _____ day _____, 201____, at _____ o'clock _____ M. a copy of this instrument.

_____, Sheriff/Constable,
Precinct # _____
By _____, Deputy

STATE OF TEXAS
COUNTY OF LIBERTY

I, Donna G. Brown, District Clerk of Liberty County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, filed on 09-15-15, as appears of record in my office.

Witness my official hand and seal of office, this

09-15-15
DONNA G. BROWN DISTRICT CLERK
Liberty County, Texas
By Paula Talia Deputy

CERTIFIED
COPY

FILED
9/11/2015 2:59:04 PM
Donna G. Brown
District Clerk
Liberty County, TX
HEATHER SPANN

CAUSE NO. CV 1509664

DARIO RUIZ,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
v.	§	LIBERTY COUNTY, TEXAS
	§	
USA TRUCK, INC., et al.	§	
<i>Defendant.</i>	§	75 th JUDICIAL DISTRICT

DEFENDANT USA TRUCK, INC.'S ORIGINAL ANSWER

Defendant, USA Truck, Inc. ("USA Truck"), files its Original Answer as follows:

**I.
GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that Plaintiff take nothing by this suit, which Defendant goes hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show themselves justly entitled.

DEFENDANT USA TRUCK, INC.'S ORIGINAL ANSWER
PAGE 1 OF 2

3779659v1 (73885.00010)

CERTIFIED
COPY

Respectfully submitted,

KANE RUSSELL COLEMAN & LOGAN PC

By: s/ Zach T. Mayer
Zach T. Mayer
Lead Attorney
Texas State Bar No. 24013118
zmayer@krcl.com
Brian J. Fisher
Texas State Bar No. 24032178
bfisher@krcl.com

1601 Elm Street, Suite 3700
Dallas, Texas 75201
(214) 777-4200 / Fax (214) 777-4299

**ATTORNEYS FOR DEFENDANT
USA TRUCK, INC.**

CERTIFICATE OF SERVICE

This is to certify that on this the 11th day of September 2015, a true and correct copy of the foregoing instrument is being served on all counsel of record, as follows:

VIA E-SERVE AND CERTIFIED MAIL,

RETURN RECEIPT REQUESTED

James B. Manley
James B. Manley, P.C.
200 William Barnett
Cleveland, Texas 77327

Attorneys for Plaintiff

s/ Zach T. Mayer
Zach T. Mayer

STATE OF TEXAS
COUNTY OF LIBERTY
I, Donna G. Brown, District Clerk of Liberty County, Texas, do
hereby certify that the foregoing is a true and correct copy of
the original 09-15-15 now in my lawful custody and possession,
filed on 09-15-15 as appears of record in my office.

Witness my official hand and seal of office, this

DONNA G. BROWN DISTRICT CLERK
Liberty County, Texas
By Donna G. Brown Deputy

**DEFENDANT USA TRUCK, INC.'S ORIGINAL ANSWER
PAGE 2 OF 2**

3779659v1 (73885.00010)

CERTIFIED
COPY



FILED
9/11/2015 2:59:04 PM
Donna G. Brown
District Clerk
Liberty County, TX
KANE RUSSELL COLEMAN & LOGAN PC
HEATHER SPANN

ZACH T. MAYER
Direct Line: (214) 777-4271
Email: zmayer@krcl.com

September 11, 2015

VIA E-SERVE AND CERTIFIED MAIL

No. 7014 1820 0000 0729 2120

RETURN RECEIPT REQUESTED

James B. Manley
James B. Manley, P.C.
200 William Barnett
Cleveland, Texas 77327

Re: *Dario Ruiz v. USA Truck, Inc., et al.*
Cause No.: CV 1509664
Court: In the 75th Judicial District Court of Liberty County, Texas
Our File No.: 73885.00010.000

Dear Counsel:

Enclosed is *Defendant USA Truck, Inc.'s Original Answer* in the above-referenced matter, which was electronically filed today in the above-referenced matter.

Please be advised that we would like to take your client's deposition, on a mutually agreeable date and time, following our receipt of Plaintiff's answers to Defendant's forthcoming written discovery requests.

In case you have any questions or require additional information, please do not hesitate to contact Brian Fisher 214-777-4240 bfisher@krcl.com and/or J. Kendall Ray 214-777-4274 kray@krcl.com. Thank you for your cooperation and assistance in this matter.

Very truly yours,

KANE RUSSELL COLEMAN & LOGAN PC

By:

Zach T. Mayer

Enclosure

DALLAS • 3700 Thanksgiving Tower • 1601 Elm Street • Dallas, Texas 75201 • (214) 777-4200 • (214) 777-4299 Fax
HOUSTON • 5051 Westheimer Road • Suite 1000 • Houston, Texas 77056 • (713) 425-7400 • (713) 425-7700 Fax
www.krcl.com

STATE OF TEXAS
COUNTY OF LIBERTY
I, Donna G. Brown, District Clerk of Liberty County, Texas, do
hereby certify that the foregoing is a true and correct copy of
the original record, now in my lawful custody and possession.
filed on 09/11/15 as appears of record in my office.
Witness my official hand and seal of office, this

DONNA G. BROWN DISTRICT CLERK
Liberty County, Texas
By: Deputy

CERTIFIED
COPY

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ruiz, Dario

DEFENDANTS

USA Truck, Inc.

Ronald Samaro

(b) County of Residence of First Listed Plaintiff Polk, Texas

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Arkansas

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

James B. Manley, James B. Manley, P.C., 200 William Barnett, Cleveland, Texas 77327

Attorneys (If Known)

Kane Russell Coleman & Logan PC, 1601 Elm St., Ste. 1601, Dallas, TX 75201; (214) 777-4200; Zach T. Mayer, Brian J. Fisher and J. Kendall Ray

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sec. 1332(a)

Brief description of cause:
automobile accident**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/15/2015

SIGNATURE OF ATTORNEY OF RECORD

s/Brian J. Fisher

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.